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CashCall, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TRICIA LECKLER, on behalf of  
herself and all others similarly  
situated,

Plaintiffs,

vs.

CASHCALL, INC.,

Defendant.

Case No. C 07-04002 SI

[PROPOSED] ORDER GRANTING  
DEFENDANT'S MOTION FOR  
CERTIFICATION OF ORDER FOR  
INTERLOCUTORY APPEAL AND FOR  
STAY OF PROCEEDINGS

[Filed concurrently with Notice of Motion  
and Motion for Certification of Order for  
Interlocutory Review and Staying  
Proceedings]

Date: July 25, 2008  
Time: 9 a.m.  
Place: Courtroom 10  
Judge: Hon. Susan Illston

1 On July 25, 2008, this Court heard oral argument on Defendant's  
2 Motion to certify for interlocutory appeal the Court's May 20, 2008 Order denying  
3 Defendant's motion for partial summary judgment and granting Plaintiff's motion  
4 for partial summary judgment.

5 The Court hereby finds that the May 20, 2008 Order involves a  
6 controlling question of law with respect to the interpretation of the Telephone  
7 Consumer Protection Act of 1991. That question of law is whether a borrower,  
8 who provides a lender her cell phone number in connection with a loan transaction,  
9 has granted "prior express consent" for the lender to call her at that number in an  
10 effort to collect on a delinquent loan, using automated dialing systems or  
11 prerecorded messages, for the purposes of the Telephone Consumer Protection Act  
12 of 1991 ("TCPA"), 47 U.S.C. § 227(b)(1)(A).

13 The Court further finds that there is substantial ground for difference  
14 of opinion with respect to this question of law. The Court further finds that an  
15 immediate appeal from the Order may materially affect the outcome and materially  
16 advance the ultimate termination of this litigation by disposing of the principal  
17 claim of the plaintiffs.

18 Therefore, the matter is certified for appeal pursuant to 28 U.S.C. §  
19 1292(b).

20 IT IS SO ORDERED.

21  
22 Dated: July \_\_, 2008

23  
24 By: \_\_\_\_\_  
25 Hon. Susan Illston  
26 U.S. District Court Judge  
27

28 41284275.1

**PROOF OF SERVICE**

I, Brigitte Scoggins, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On June 6, 2008, I served a copy of the within document(s):

**[PROPOSED] ORDER GRANTING DEFENDANT'S MOTION FOR CERTIFICATION OF ORDER FOR INTERLOCUTORY APPEAL AND FOR STAY OF PROCEEDINGS**

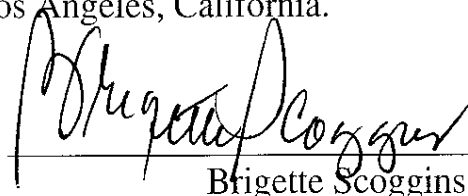
- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a \_\_\_\_\_ agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Douglas J. Campion, Esq.  
LAW OFFICES OF DOUGLAS J. CAMPION  
411 Camino Del Rio South, Suite 301  
San Diego, CA 92108

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 6, 2008, at Los Angeles, California.

  
Brigitte Scoggins